

Message Text

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ACTION DLOS-09

INFO OCT-01 IO-13 ISO-00 ACDA-12 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 COME-00 DOTE-00 EB-08 EPA-01
SOE-02 DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05
JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-09 OMB-01
PA-01 PM-05 SP-02 SS-15 ICA-11 AF-10 ARA-10
EA-10 EUR-12 NEA-10 /190 W
-----125114 071130Z /12

P 061848Z SEP 78
FM USMISSION GENEVA
TO USMISSION USUN NEW YORK PRIORITY
SECSTATE WASHDC PRIORITY 3834
DOD WASHDC PRIORITY
JCS WASHDC PRIORITY

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ATTENTION: LAW OF THE SEA CONFERENCE, AMB. GEORGE ALDRICH
USMISSION USUN NEW YORK

E.O. 11652: N/A
TAGS: PLOS, PARM
SUBJECT: PREPARATORY CONFERENCE ON SPECIFIC CONVENTIONAL
WEAPONS (MSG2)

SUMMARY: DEBATE BEGUN ON RULES OF PROCEDURE THAT MOST
DELEGATES ASSUME WILL BE USED BY DIPLOMATIC CONFERENCE.
AFRICAN GROUP INTRODUCED PROPOSAL CALLING FOR 2/3 VOTE IF
CONSENSUS FAILS. U.S. FIRM POSITION ON UNRESTRICTED
CONSENSUS MADE CLEAR. REGIONAL GROUPS ARE DIVIDED BUT
ACCEPTANCE OF UNRESTRICTED CONSENSUS APPEARS UNLIKELY.
INSTRUCTIONS REQUESTED. END OF SUMMARY.

1. PLENARY DISCUSSION HAS BEGUN ON THE METHOD OF
DECISION MAKING FOR PREPCON RULES OF PROCEDURE. IT IS
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WIDELY ASSUMED THAT THE DECISION MAKING RULE ADOPTED
WILL ALSO APPLY TO THE FULL DIPLOMATIC CONFERENCE. U.S.
HAS FORMALLY STATED ITS POSITION THAT CONSENSUS IS
NECESSARY. IT HAS ALSO INDICATED PRIVATELY THAT IT IS
NOT NECESSARY FOR THE PREPCON TO REACH A DECISION ON THIS
ISSUE AT THE FIRST SESSION OF THE PREPCON SINCE THE ONLY
SUBSTANTIVE ISSUE WILL BE THE ADOPTION OF THE PREPCON

REPORT.

2. AFRICAN GROUP HAS INTRODUCED A PROPOSAL STATING THAT DECISIONS ON MATTERS OF SUBSTANCE SHOULD BE REACHED BY CONSENSUS. IF CONSENSUS FAILS, IT PROPOSES THAT DECISIONS SHOULD BE MADE BY TWO THIRDS OF THE REPRESENTATIVES PRESENT AND VOTING. INTRODUCTION OF THE AFRICAN PROPOSAL PROMPTED OTHER GROUPS TO PRESENT THEIR VIEWS AND A DEBATE ON THIS ISSUE HAS RESULTED. EASTERN BLOC (EXCEPT FOR ROMANIA AND YUGOSLAVIA) FAVORS CONSENSUS. LATIN AMERICANS AND ASIANS REMAIN DIVIDED. WESTERN GROUP GENERALLY FAVORS CONSENSUS. SWEDEN FAVORS ONLY A LIMITED CONSENSUS SUCH AS THAT OF THE AFRICAN PROPOSAL. MOST OTHER WESTERN COUNTRIES PRIVATELY AGREED NOT TO OPPOSE WESTERN MAJORITY DESIRE FOR A RULE REQUIRING COMPLETE CONSENSUS (SUCH AS THAT OF THE CCD). THE FRG FORMALLY PRESENTED A PROPOSAL FOR COMPLETE CONSENSUS ON ALL SUBSTANTIVE MATTERS. WESTERN COUNTRIES PUBLICLY INSISTING ON SUCH A CONSENSUS ARE THE U.S., UK, CANADA, SPAIN, ITALY, BELGIUM, FRANCE AND THE FRG.

3. A MEETING OF THE WESTERN LIAISON GROUP (ALL NATO COUNTRIES PLUS IRELAND, JAPAN, SPAIN, AUSTRALIA, NEW ZEALAND), WAS HELD ON 6 SEPTEMBER TO DISCUSS THE WESTERN STRATEGY ON THE CONSENSUS ISSUE. ALTHOUGH THERE WAS GENERAL AGREEMENT TO CONTINUE INSISTING ON COMPLETE CON-
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SENSUS, THE FRG AND NORWAY DID INTRODUCE POSSIBLE FALL BACK POSITIONS FOR THE CONSIDERATION OF THE LIAISON GROUP. THIS WAS DONE IN EXPECTATION THAT A COMPLETE CONSENSUS RULE WILL NOT BE ACCEPTABLE TO THE PPREP CON AND THAT ALTERNATIVES SHOULD BE CONSIDERED BY THE WESTERN GROUP. THE FRG DRAFT COMPROMISE WAS A SURPRISING ONE DUE TO FRG'S PREVIOUS INSISTENCE ON COMPLETE UNANIMITY. THE FRG PROPOSAL IS SIMILAR TO RULE 37 OF THE RULES OF PROCEDURE FOR THE LOS CONFERENCE. IF CONSENSUS FAILS, A DECISION COULD BE REACHED BY A TWO-THIRDS VOTE OF THE COUNTRIES PRESENT AND VOTING. *JAPAN INDICATED THAT IF CONSENSUS FAILS, IT MIGHT BE POSSIBLE TO VOTE. ANY DECISION COULD REQUIRE A TWO-THIRDS MAJORITY OF ALL COUNTRIES PARTICIPATING IN THE CONFERENCE. CANADA INDICATED THAT A THREE-FOURTH RULE MIGHT BE BETTER. CONSIDERATION OF COMPROMISE RESOLUTIONS REFLECTS THE GENERAL WESTERN LIAISON GROUP FEELING THAT A CONSENSUS IN THE PREP CON TO REACH DECISIONS BY A FULL CONSENSUS WILL NOT BE OBTAINED.

4. THE U.S. HAS BEEN OF THE VIEW THAT DECISIONS IN THE FULL CONFERENCE HAVE TO BE MADE BY CONSENSUS. U.S.

DELEGATES BELIEVE IT UNLIKELY THAT A FINAL DECISION ON THE CONSENSUS ISSUE CAN BE POSTPONED UNTIL THE NEXT SESSION OF THE PREPCO. IT MAY BECOME NECESSARY FOR THE U.S. DELEGATION TO EITHER ACCEPT A COMPROMISE FORMULA OR ULTIMATELY TO BE SEEN AS BEING RESPONSIBLE FOR A DEADLOCK. (THE SOVIETS HAVE PRIVATELY INSISTED ON CONSENSUS, BUT HAVE NOT SPOKEN PUBLICLY ON THE ISSUE.

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THEIR OPENING STATEMENT MADE REFERENCE ONLY TO POSSIBLE REFERRAL OF DRAFT TEXTS TO CD.) THE U.S. DELEGATION BELIEVES THAT SOME FLEXIBILITY IN INSTRUCTIONS IS NEEDED TO ENABLE IT TO NEGOTIATE A REASONABLE COMPROMISE IF PRESENT EFFORTS ON CONSENSUS FAIL. POSSIBLE COMPROMISE SOLUTIONS INCLUDE THE LOS FORMULA AND INCREASING THE NUMBER OR PERCENTAGE OF VOTES NEEDED FOR DECISIONS.

5. INSTRUCTIONS REQUESTED ASAP. VANDEN HEUVEL

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Message Attributes

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